

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:09cv64**

JUDITH F. SPRINKLE,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security
Administration,
Defendant.

ORDER

THIS MATTER is before the court on the Plaintiff's Motion for Summary Judgment and supporting brief (Document #8), filed September 29, 2009, and the Defendant's Motion for Summary Judgment (Document #9) and Memorandum in Support (Document #10), both filed October 14, 2009. Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge David Cayer was designated to consider and recommend disposition in the aforesaid motion. In a thorough and well-considered Memorandum & Recommendation, filed October 20, 2009, Judge Cayer recommended that Plaintiff's motion for summary judgment be denied, that Defendant's motion for summary judgment be granted, and that the Commissioner's decision be affirmed. In his Memorandum & Recommendation, Judge Cayer advised the parties that any objections to the proposed findings of fact and conclusions of law were to be filed in writing within ten days of service of the same. The time for filing objections has since passed, 28 U.S.C. § 636(b)(1)(C), and no objections have been filed by either party.

After a careful review of the Magistrate Judge's Memorandum & Recommendation, the Court finds that his findings of fact are supported by the record and that his conclusions of law are consistent with and well supported by the current case law. See Diamond v. Colonial Life &

Accident Ins. Co., 416 F.3d 310, 315-16 (4th Cir. 2005) (holding that, absent specific objections, a de novo review is not required when considering a memorandum and recommendation). Accordingly, the court hereby accepts the Memorandum & Recommendation of the Magistrate Judge and adopts it as the final decision of this court for all purposes related to this case.

WHEREFORE, for the foregoing reasons, it is hereby **ORDERED** that Plaintiff's Motion for Summary Judgment is **DENIED**, that Defendant's Motion for Summary Judgment is **GRANTED**, and that the Commissioner's decision is **AFFIRMED**.

Signed: April 16, 2010

A handwritten signature in cursive script, reading "Richard L. Voorhees", written in dark ink over a horizontal line.

Richard L. Voorhees
United States District Judge

